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Message Text

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ACTION OES-07

INFO OCT-01 ARA-14 ISO-00 COME-00 DLOS-09 EB-08 CG-00
DOTE-00 CIAE-00 INR-07 NSAE-00 INRE-00 L-03 SSO-00
/049 W
----------110202 231625Z /50
O 231455Z SEP 77
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 8840

UNCLAS SAN JOSE 4438

DEPARTMENT PLEASE PASS COMMERCE

FROM NEGROPONTE

E.O. 11652(* ,/A
TAGS: EFIS, ETRD
SUBJECT: TUNA PORPOISE EMBARGO

1. FOLLOWING IS TEXT OF LETTER DATED SEPTEMBER 1 FROM COSTA RICAN FOREIGN MINISTER ADDRESSED TO DEPUTY ASSISTANT SECRETARY NEGROPONTE AND RECEIVED SEPTEMBER 22 AT IA HT RENEGOZUATION IN SAN JOSE. FACIO LETTER DEALS WITH GENERAL PROBLEM OF TUNA PORPOISE EMBARGO NOW SCHEDULED FOR IMPLEMENTATION OCTOBER 1 DESPITE STATE'S EFFORTS TO DEFER IMPLEMENTATION FURTHER TO ALLOW FOR CONTINUED EFFORTS TO RESOLVE PROBLEM ON INTERNATIONAL BASIS WITHIN IATTC FRAMEWORK. I CONTINUE TO BELIEVE THAT IMPLEMENTATION OF EMBARGO MUST BE DEFERRED PERHAPS WELL INTO 1978 AND THAT MATTER OF SUCH EMBARGO HAS POTENTIAL IMPLICATIONS AND CONSEQUENCES FAR BEYOND MERE FISHERIES MATTERS. I THEREFORE RECOMMEND THAT ENTIRE QUESTION BE REVIEWED URGENTLY BETWEEN OES/OFA,

EB, AND THE REGIONAL BUREAUS LIKELY TO BE AFFECTED SO THAT NECESSARY ADDITIONAL REPRESENTATIONS CAN BE
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MADE TO COMMERCE.

2. BEGIN TEXT: AS YOU ARE AWARE, THE NATIONAL MARINE FISHERIES SERVICE, UNITED STATES DEPARTMENT OF COMMERCE, HAS GRANTED A FURTHER TWO-MONTH EXTENSION, UNTIL OCTOBER 1, 1977, OF THE EFFECTIVE DATE OF THE REGULA-
TIONS GOVERNING THE IMPORTATION OF YELLOWFIN TUNA INTO

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THE UNITED STATES. THE NATIONAL MARINE FISHERIES
SERVICE HAS ALSO ANNOUNCED ITS INTENTION TO REVIEW

DURING SEPTEMBER THE STATUS OF THE INITIATION OF INTER-
NATIONAL PORPOISE PROTECTION EFFORTS BY THE INTER-
AMERICAN TROPICAL TUNA COMMISSION, IN ORDER TO DETER-
MINE WHETHER OR NOT A FURTHER EXTENSION OF THE
COMMENCEMENT OF THE EMBARGO OF YELLOWFIN TUNA IMPORTS
SHOULD BE GRANTED.

3. IT IS THE POSITION OF THE GOVERNMENT OF COSTA RICA

THAT THE PROBLEM OF PROTECTING PORPOISE SHOULD BE
RESOLVED THROUGH NEGOTIATION OF AN ACCEPTABLE INTER-
NATIONAL AGREEMENT, RATHER THAN BY THE UNILATERAL
ACTIONS OF ANY ONE COUNTRY CONCERNED WITH THE PROBLEM.
OUR GOVERNMENT SHARES THE UNITED STATES' CONCERN WITH
PROTECTION OF PORPOISE AND SEEKS THE ESTABLISHMENT OF
AN EFFECTIVE INTERNATIONAL AGREEMENT TO ACCOMPLISH
THIS GOAL. WE BELIEVE THAT THE RESULTS OF THE SPECIAL
INTER-AMERICAN TROPICAL TUNA COMMISSION MEETING ON
PORPOISE WHICH WAS HELD ON JUNE 27-29 INDICATE A SIGNI-
FICANT STEP FORWARD IN THE EFFORTS TO DEVELOP AN
EFFECTIVE INTERNATIONAL PORPOISE PROTECTION PROGRAM.
THE INTER-AMERICAN TROPICAL TUNA COMMISSION'S PRO-
POSED PROGRAM WILL INCLUDE DISSEMINATION OF TECHNICAL
UNCLASSIFIED

INFORMATION, THE PLACING OF SCIENTIFIC OBSERVERS ON
VESSELS, AND SUBSTANTIAL RESEARCH AND UNDERTAKINGS.

4. IN VIEW OF THE FOREGOING, PE BELIEVE THAT THE

NATIONAL MARINE FISHERIES SERVICE TUNA IMPORT REGULA-
TIONS SHOULD BE AMENDED IN ORDER TO ACCOMMODATE AN
INTERNATIONAL SOLUTION TO THE PROBLEM. IN THIS
CONNECTION, THE GOVERNMENT OF COSTA RICA HAS REVIEWED
RKPHH APPROVAL THE COMMENTS SUBMITTED TO THE DEPARTMENT
OF COMMERCE BY COOPERATIVA DE PESCADORES DEL PACIFICO,
R.L. AND PRODUCTOS ALIMENTICIOS DEL MAR, S.A. (A
COPY OF WHICH IS ATTACHED HERETO). AND BELIEVES THAT
SUCH COMMENTS SUGGEST AN APPROPRIATE APPROACH TO AN
INTERNATIONAL SOLUTION SPECIFICALLY, SUCH COMMENTS
PROPOSE THAT THE NATIONAL MARINE FISHERIES SERVICE
REGULATIONS SHOULD BE REVISED TO EXCLUDE FROM THE
PROPOSED EMBARGO ON YELLOWFIN TUNA IMPORTS NATIONS
WHICH ARE ACTIVELY AND IN GOOD FAITH PURSUING OR
ADHERING TO A POLICY OF REDUCING INCIDENTAL PORPOISE
MORTALITY THROUGH MEMBERSHIP IN OR VOLUNTARY COMPLI-
ANCE WITH AN INTERNATIONAL CONVENTION DETERMINED BY

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THE DIRECTOR OF NATIONAL MARINE FISHERIES SERVICE TO BE ESSENTIALLY CONSISTENT WITH THE POLICIES OF THE MARINE MAMMAL ACT.

5. WE REQUEST THAT YOU COMMUNICATE OUR VIEWS TO THE DEPARTMENT OF COMMERCE, AND THAT YOU MAKE EVERY EFFORT TO HAVE THE REGULATIONS REVISED ALONG THE LINES SUGGESTED. IN THE EVENT THE IMPORTATION REGU-

LATIONS CANNOT BE SO REVISED AT THIS TIME, THE EFFECTIVE DATE OF THE IMPORT EMBARGO SHOULD BE

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EXTENDED TO AT LEAST APRIL 1, 1978 TO PERMIT IMPLE-MENTATION OF THE PORPOISE PROTECTION MEASURES ALREADY ADOPTED BY THE INTER-AMERICAN TROPICAL TUNA COMMISSION AND THOSE TO BE CONSIDERED AT ITS ANNUAL MEETING ON OCTOBER 17-22, 1977.

6. SIGNED GONZALO J. FACIO, MINISTER OF FOREIGN RELATIONS-COSTA RICA. END OF TEXT.
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Sent Date: 23-Sep-1977 12:00:00 am
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Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
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Disposition Event:
Disposition History: n/a
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SAS ID: 1152172
Secure: OPEN
Status: NATIVE
Subject: TUNA PORPOISE EMBARGO
TAGS: EFIS, ETRD, US, CS
To: STATE
Type: TE
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